



09-22-03

09/3643

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)
BERNKLAU et al.)
Serial No.: 09/831,094)
Filed: November 21, 2001)
Atty. File No.: 2730-65-PUS)
For: "METHOD AND DEVICE FOR)
ATTRACTING INSECTS")

Group Art Unit: 3643

Examiner: Darren W. Ark

INFORMATION DISCLOSURE
STATEMENT

Express Mail Label: EV228071206US

#16
10-8-03
DRS

Assistant Commissioner for Patents
Washington, D. C. 20231

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Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

Copies of the cited references:

☒ Are enclosed herewith.

☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is drawn to the following co-pending applications, copies of which have been or are being submitted:

Serial No. 09/573,795 filed May 16, 2000

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

09/24/2003 ANAB11 00000085 09831094

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It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <ul style="list-style-type: none"><input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or<input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or<input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or<input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input checked="" type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <ul style="list-style-type: none">(1) a final action under 37 C.F.R. 1.113 or(2) a notice of allowance under 37 C.F.R. 1.311, or(3) an action that otherwise closes prosecution in the application. <p>This Information Disclosure Statement is accompanied by:</p> <p><input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p> <p style="text-align: center;">OR</p> <p><input checked="" type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <p><input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e)</p> <p style="text-align: center;">AND</p> <p><input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970.</p> <p>Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification.</p>

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Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

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By: 

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Date: SEP 18 2003

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SHEET 1 OF 2

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2730-65-PUS	SERIAL NO. 09/831,094
	APPLICANT BERNKLAU et al.	
	FILING DATE May 3, 2001	GROUP ART 3643

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	4	6,397,516	6/4/2002	Su	43	124	
	2	2002/0023382	2/28/2002	Snell et al.	43	132.1	3/28/2001
	3	6,235,301	5/22/2001	Ballard et al.	424	405	
	4	6,164,010	12/26/2000	Snell et al.	43	131	
	5	6,071,529	6/6/2000	Ballard et al.	424	408	
	6	5,880,142	3/9/1999	Otsu et al.	514	357	
	7	5,661,164	8/26/1997	Otsu et al.	514	341	
	8	5,238,724	8/24/1993	Biostad, III et al.	424	84	

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FOREIGN PATENT DOCUMENTS

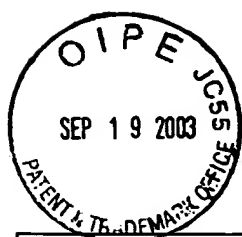
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		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	9	EP 1 018 869	7/19/2000	Europe	A01N	25/00		
	10	EP 0 846 417	6/10/1998	Europe	A01N	45/00		
	11	JP 62135402	6/18/1987	Japan	A01N	63/02	(Abstract Only)	
	12	WO 02/15685	2/28/2002	PCT	A01M	1/20		
	13	WO 02/069704	9/12/2002	PCT	A01N	25/02		
	14	WO 02/052940	7/11/2002	PCT	A01N	25/12		
	15	WO 97/33471	9/18/1997	PCT	A01N	25/00		

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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SHEET 2 OF 2

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 2730-65-PUS	SERIAL NO. 09/831,094
	APPLICANT BERNKLAU et al.	
	FILING DATE May 3, 2001	GROUP ART 3643

	16	WO 97/02743	1/30/1997	PCT	A01N	25/12		
	17	WO 94/04034	3/3/1994	PCT	A01N	63/04		

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	18	Bjostad; "Termites' Attraction to Small Amounts of Carbon Dioxide lures Pests to Their Deaths"; <i>Colorado State University</i> ; January 15, 1998; 2 pp.
	19	"Common Foods Replace Pesticide"; <i>The EnviroNews Service</i> ; July 29, 1997; 2 pp.
	20	Johnson et al.; "The Accumulation of Plant Parasitic Nematode Larvae Around Carbon Dioxide and Oxygen"; <i>Helminthological Society</i> ; July 1961, pgs. 171-174
	21	Klingler; <i>Die Orientierung Von Ditylenchus Dipsaci in Gemessenen Kunstlichen Und Biologischen CO₂-Gradienten</i> ; <i>Nematologica</i> ; 1963, Vol. 9, pgs. 185-199
	22	Kusch et al.; "Analysis of Residual Styrene Monomer and Other Volatile Organic Compounds in Expanded Polystyrene by Headspace Solid-Phase Microextraction Followed by Gas Chromatography and Gas Chromatography/Mass Spectrometry"; <i>Journal of Separation Science</i> ; 2002; 25:539-542
	23	Labouriau et al.; "CO ₂ Efflux of Germinating Caryopses of Zea Mays L. Hydrated with Heavy Water (D ₂ O); <i>An. Acad. bras. Ci.</i> ; 1987, Vol. 59, No. 4, pgs. 385-392
	24	"Life Cycle Assessment of the Industrial Use of Expanded Polystyrene Packaging in Europe"; <i>PriceWaterHouseCoopers</i> ; August 2001; pp. 1-141
	25	Moursi; "The Attractiveness of CO ₂ and N ₂ to Soil Arthropoda"; <i>Pedobiologia</i> ; 1962, Bd. 1, H. 4. pgs. 299-302
	26	Strnad et al.; "First-Instar Western Corn Rootworm (Coleoptera: Chrysomelidae) Response to Carbon Dioxide"; <i>Environmental Entomology</i> ; Vol. 15, No. 4; August 1986; pp. 839-842
	27	Strnad et al.; "Movement of First-Instar Western Corn Rootworms (Coleoptera: Chrysomelidae) in Soil"; <i>Environmental Entomology</i> ; Vol. 16, No. 4; August 1987; pp. 975-978
	28	"Termites and Carbon Dioxide"; <i>New York Times via ACCESS-Pesticides, University of Arizona</i> ; January 27, 1998; 1 p.

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